

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CHRISTIAN METZLER, individually and on
behalf of all others similarly situated,

Plaintiff,

Case No. 9:23-cv-80920-DMM

v.

INSURANCE EXPRESS.COM, INC.,

Defendant.

/

**DEFENDANT'S UNOPPOSED SECOND MOTION FOR EXTENSION OF TIME TO
RESPOND TO COMPLAINT DUE TO EXCEPTIONAL CIRCUMSTANCES**

Defendant Insurance Express.com, Inc. ("Defendant"),¹ by and through undersigned counsel, hereby moves this Court for a twenty-one (21) day extension to respond to Plaintiff's Class Action Complaint through and including August 17, 2023, and in support thereof states as follows:

1. This matter is a putative class action alleging claims pursuant to the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227.
2. Defendant previously moved for an extension of time due to conflicts attributable exclusively to the undersigned counsel. *See* ECF No. 5. The Court found that Defendant

¹ Defendant reserves all rights including, but not limited to, the right to compel arbitration and to assert the defenses of lack of subject-matter jurisdiction, lack of personal jurisdiction, improper venue, insufficient process, insufficient service of process, lack of standing, failure to state a claim upon which relief can be granted, and any other defenses to the purported claims alleged in Plaintiff's Class Action Complaint. Further, Defendant does not concede that Defendant is liable in this matter or that Insurance Express.com, Inc. is properly named or has been properly served.

established good cause and granted Defendant's initial motion for extension of time. *See* ECF No.

6. Pursuant to the Court's July 6, 2023 Order, the current deadline to respond is July 27, 2023.

3. The undersigned has recently been informed that the principle of Defendant recently underwent a serious medical operation that has not only taken that individual out of the office, but has made it impossible for his attorneys to meaningfully interact with that individual regarding this matter. The undersigned can also represent that another executive of the Defendant, who is a family member, was involved in the same medical event, further making access to the client a challenge.

4. The undersigned has been informed of the specific medical procedure at issue and can represent to the Court (as an officer of the Court) that the event is significant and goes far beyond what would typically be required to establish good cause. Out of respect for the individuals' privacy (and to avoid disclosure of confidential patient health information), the undersigned will not be providing further information in this Motion but is prepared to supplement the Motion under seal if requested by the Court. The undersigned further notes he was not aware of this issue at the time he filed his initial motion for extension of time.

5. Due to these exceptional circumstances, the undersigned respectfully requests an additional twenty-one (21) day extension of time to investigate the claims alleged in the putative class action Complaint and prepare an appropriate response. Pursuant to the requested extension, Defendant's response to the Complaint would be due on or before August 17, 2023. The undersigned is cautiously optimistic that no further extensions will be required, but the possibility of medical complications forecloses the ability to commit to not seeking any further extensions of time.

6. This motion is made in good faith and not for the purpose of delay. No party to this action will be unduly prejudiced by the granting of the requested extension of time.

WHEREFORE, Defendant Insurance Express.com, Inc., respectfully requests that the Court enter an order granting this Motion for Extension of Time to File Response to Plaintiff's Class Action Complaint, extending the deadline for Defendant's response to the Complaint through and including August 17, 2023, and granting such other relief as the Court deems just and proper.

Local Rule 7.1(a)(3) Certification

Counsel for the Defendant has conferred with Plaintiff's counsel, Avi R. Kaufman, Esq., via e-mail on July 21, 2023, regarding this extension. Plaintiff's counsel indicated that he does **not** oppose the relief sought herein/

s/ Yaniv Adar
Yaniv Adar, Esq.
Florida Bar No. 63804
Respectfully Submitted,

Dated: July 21, 2023

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CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing document (including any attached exhibits and documents) electronically on the Court's CM/ECF docket on July 21, 2023, which served same electronically upon all counsel of record.

s/ Yaniv Adar
Yaniv Adar, Esq.